

body tell you a good reason, other than possible court efficiency which does not impress me as outweighing the validity of protecting the rights of a defendant, before you vote to change something that has worked well in our Constitution for over a hundred years.

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: I rise to move the previous question.

THE PRESIDENT: The question arises on ordering the previous question. A vote Aye is a vote in favor of ordering the previous question on Amendment No. 2. A vote No is a vote against.

All in favor of the previous question signify saying Aye. Contrary, No.

The Ayes seem to have it, the Ayes have it, it is so ordered.

The question arises on the adoption of Amendment No. 2 to Committee Recommendations R&P-1 and R&P-2 as amended by S&D-9. A vote Aye is a vote in favor of Amendment No. 2. A vote No is a vote against.

For what purpose does Delegate Storm rise?

DELEGATE STORM: I am afraid I will not be allowed to do this, but if you will notice Judge Sybert is a sponsor of this amendment. He felt very strongly about it, but he is sick. Would it be out of order if I pushed his lever "yes"?

THE PRESIDENT: Indeed it would.

A vote Aye is a vote in favor of Amendment No. 2. A vote No is a vote against.

Cast your votes.

(Whereupon, a roll call vote was taken.)

THE PRESIDENT: Has every delegate cast his vote? Does any delegate desire to change his vote?

Delegate James Clark.

DELEGATE J. CLARK: No.

THE PRESIDENT: Delegate James Clark votes No.

Does any other delegate desire to change his vote?

The Clerk will record the vote.

There being 58 votes in the affirmative and 67 in the negative, the motion is lost, the amendment fails.

The next amendment is with respect to section 1.16.

Delegate James, do you desire to offer your Amendment V, for Victor? I cannot be sure which is the principal sponsoring delegate.

DELEGATE JAMES: Mr. Chairman, what are your plans for the recess? I had planned to confer with my co-sponsor and to lay plans to present this.

THE PRESIDENT: The time for the recess is now. The Chair was simply not watching the time. We had indicated to a number of delegates that we would recess at about two o'clock and it is past that hour.

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. President, the Committee on the Legislative Branch will meet in the lounge for a photograph just as soon as we do adjourn for lunch.

THE PRESIDENT: Are there any other announcements necessary to be made by committee chairmen?

Are there any announcements by anybody else?

Delegate Powers.

DELEGATE POWERS: Did you want to have a roll call, Mr. President?

THE PRESIDENT: Any delegates present now not present earlier this morning may indicate their presence on supplemental roll call.

The Clerk will record the supplemental roll call.

THE PRESIDENT: Delegate Powers.

DELEGATE POWERS: Mr. President, I move we recess until 3:00 P.M.

THE PRESIDENT: Fifty minutes, a recess until 3:00 P.M. All in favor signify by saying Aye, contrary, No. The Ayes have it. It is so ordered.

(Whereupon, at 2:14 P.M., the Convention was recessed until 3:00 P.M. on the same day.)

PLENARY SESSION

DECEMBER 29, 1967—3:15 P.M.

PRESIDENT H. VERNON ENEY,
PRESIDING

THE PRESIDENT: The Convention will please come to order.